

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action mailed November 10, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-8 are pending in the application. Claims 1 and 7-8 are independent claims.

In the Office Action, claims 1-6 are rejected under 35 U.S.C. §101. This rejection is traversed. However, without agreeing with the position forwarded in the Office Action and in the interest of advancing prosecution, claim 1 has been amended for better clarity. In particular claim 1 is amended to provide a "method of using a telecommunication system to enable a service provider to differentiate among a plurality of subscriptions ...". The telecommunication system is described in the specification of the present application with reference to FIG. 1 and starting at page 4, line 27 and continuing on page 5. Additionally, the make-up and operation of common telecommunication systems is known to these skilled in the art. Clearly claim 1 is tied to the apparatus of a telecommunication system. Claims 2-6 depend from amended claim 1.

It is respectfully submitted that clearly claims 1-6 fall within one of the four statutory categories of invention and is tied to a statutory category of invention. Accordingly, withdrawal of the rejection under 35 U.S.C. §101 is respectfully requested.

In the Office Action, claims 1-4 and 6-8 are rejected under 35 U.S.C. §102(e) over U.S. Patent No. 6,588,015 to Eyer ("Eyer"). Further, claim 5 is rejected under 35 U.S.C. §103(a) over Eyer in view of Applicants' Admission of Fact ("AAOF"). This rejection of claims 1-8 is respectfully traversed. It is respectfully submitted that claims 1-8 are patentable Eyer alone and in view of AAOF for at least the following reasons.

Eyer is directed to a digital radio broadcast system in which a distinction is made between subscribers and non-subscribers. Eyer does not make a distinction between different levels of subscription. As stated at in Eyer, Col. 16, lines 37-39, as cited in the Office Action, "the subscriber is granted additional access points which allow the bypassing of commercials in the received data stream".

The Office Action suggests that service classes of Eyer are equivalent to "various subscriptions". However, claim 1 has been amended to clarify that the offering step provides "offering the

plurality of subscriptions having various durations to the user."

A close examination of Eyer reveals that there is no teaching, disclosure, or suggestion of "plurality of subscriptions having various durations."

Thus, it is respectfully submitted that Eyer does not disclose or suggest the method as recited in independent claim 1, and similarly recited in independent claims 7 and 8 which, amongst other patentable elements, recites (illustrative emphasis added) "means for selecting the particular event configurable by a provider of the information signal on the basis of the subscription chosen by a user for at least one of various durations ..." This feature is not taught or suggested in Eyer.

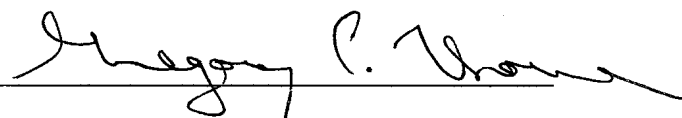
AAOF does not remedy the deficiencies of Eyer and is not used in the Office Action in the rejection of independent claims 1 and 7-8.

Accordingly, it is respectfully submitted that independent claims 1 and 7-8 are allowable, and allowance is thereof respectfully requested. In addition, it is respectfully submitted that claims 2-6 should also be allowed at least based on their dependence from independent claim 1.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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